IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7885 of 2004

Between:

1. Mr. G. Soubhagya Rao S/o. Late Sree Ramulu
   H.No. 11-13-233, Road No.5, Alakapuri, Hyderabad 500 035.

2. Mrs. B. Saraswathi, W/o. B.M. Jawaharlal,
   H. No. 11.13.235, Road No. 5, Alakapuri, Hyderabad 500 035.
3. Mr. V. Rama Koteswara Rao S/o. Late aV. Venkata Subba Sastry,
   H.No. 11-13.203, Road No.5, Alakapuri, Hyd. 500 03

...PETITIONERS

AND

1. The Commissioner, L.B. Nagar Municipality, Hyderabad.

2. The Director, Municipal Administration, Hyderabad.

3. Mr. K. Murali, Plot No. 168/B (H.NO. 11-13-234),
   Road No.5, Alakapuri, Hyderabad.

4. Mr. M. Sudheer Reddy, Sri Manikantha Traders (Cement Dealers),
   No.7, Road, No.3, Main Road, Near Saibaba Temple, Opp. Building
   Material Shop, Alakapuri, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring the actions of the 3rd and 4th respondents as arbitrary,

illegal, unlawful and in gross violation of building rules and regulations and other statutory rules and consequently direct the 1st and 2nd respondents herein to follow the statutory procedure prescribed under Sec. 228 (Building Regulations) in Chapter -IV of the A.P. Municipalities Act, 1965 and other statutes and thereby pass all necessary orders as may be necessary and proper under the facts and circumstances of the case.

Counsel for the Petitioners: MR.CH.RAVINDRA BABU

Counsel for the Respondent No.1: MR.THIMMA REDDY, SC for Municipalities

Counsel for the Respondent No.2: G.P. for MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

Counsel for the Respondent Nos.3 and 4: MR.A.RAVI SHANKAR

The Court made the following:

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ORDER:

The petitioners are residents of Alakapuri, Hyderabad. They allege that respondent Nos.3 and 4 are making illegal constructions and that though the matter was complained to the first respondent, no action was initiated. Therefore, they filed the present Writ Petition seeking a direction to the first respondent to initiate action against respondent Nos.3 and 4. The interlocutory matter is listed today. In view of the controversy which is in narrow compass, the matter was heard finally and being disposed of by this order.

The first respondent filed a counter-affidavit stating that respondent Nos.3 and 4 obtained permission and made structures deviating from the sanction plan, that the action was initiated and illegal construction was removed and respondent No.3 has moved the Civil Court by filing O.S.No.399 of 2004 and obtained *ad interim* injunction in I.A.No.960 of 2004. In that view of the matter, it cannot be said that the first respondent has not taken any action.

The Writ Petition therefore is disposed of directing the first respondent to move the Civil Court for vacating the interim order. As and when such application is filed for vacating the order in I.A.No.960 of 2004, the Court of the Principal Junior Civil Judge (East & North) Ranga Reddy District shall take up the matter expeditiously and dispose of the same within a period of two weeks duly keeping the principles laid down by this Court in ***Advocate General v. State of A.P.***.

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(V.V.S.RAO, J)

1st September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, L.B. Nagar Municipality, Hyderabad.
2. The Director, Municipal Administration, Hyderabad.
3. Two CCs to G.P. for Municipal Administration & Urban Development.
4. Two CD copies.